

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW HAMPSHIRE

United States of America

v.

Civil No. 19-cr-142-LM

Nathan Craigue

**PROCEDURAL ORDER**

Pending before the court is Imran Alrai's motion to intervene for the purpose of unsealing court records and transcripts relating to the prosecutorial misconduct that resulted in the dismissal of this case. Doc. no. 149. Oral argument shall be scheduled on the motion.

The court appoints Attorney Ted Lothstein to represent a person involved in this case, referred to hereafter as "John Doe," about whom sensitive information could be revealed pursuant to a forthcoming order on Alrai's motion. The court appoints counsel to represent Doe for the limited purpose of advising Doe and appearing at the hearing on Alrai's motion.

Counsel for Doe, Alrai, the government, and Craigue shall be present for this hearing. For the purpose of this hearing, counsel for Alrai and Doe shall be permitted access to all entries on the docket in this case that are sealed at Level I, including the government's provisionally sealed response to Alrai's motion, doc. no. 157-1, under the same terms as the court's modified protective order, see doc. no. 143-1.


To facilitate the court's forthcoming ruling on this motion, the court orders the following documents to be temporarily sealed at Level I:

- Doc. no. 149 (Alrai's motion to intervene);
- Doc. nos. 139, 145, 151, 152, and 153 (trial and hearing transcripts);
- The court's minute orders dated June 9, 2021, and June 10, 2021, that reflect the proceedings of jury trial days three and four;
- The court's endorsed order dated June 9, 2021, that directs counsel be appointed for a witness; and
- The court's endorsed order dated June 10, 2021, that reflects the court's denial of a motion to strike.

These transcripts and records shall be temporarily sealed until the court resolves the pending motion by putative intervenor Imran Alrai. On the same basis and for the same reasons, the upcoming oral argument will be sealed. The court seals these records solely to preserve the status quo prior to hearing oral argument from the interested persons and prior to its anticipated ruling on Alrai's motion. Specifically, the court anticipates unsealing the records in this case after the interested parties agree on targeted redactions of John Doe's name and other potentially identifying information in the records. The court urges reasonableness in counsel's approach to identifying pertinent material to be redacted to protect

Doe's identity and stresses the weighty First Amendment public access issues at stake. See United States v. Kravetz, 706 F.3d 47, 52 (1st Cir. 2013).

SO ORDERED.



---

Landya McCafferty  
United States District Judge

November 9, 2021

cc: Counsel of Record